

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**TRUSTEES OF THE TEXAS  
CARPENTERS AND MILLWRIGHTS  
HEALTH AND WELFARE FUND, et al.,**

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**Plaintiffs,**

v.

**GARY DALTON, Individually and d/b/a  
The Works,**

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**Defendant.**

**CIVIL ACTION NO. H-11-4141**

## **ORDER**

Before the Court is Plaintiffs' Motion for Default Judgment (Doc. No. 7). After considering the Motion, Plaintiffs' supplemental memoranda (Doc. Nos. 19, 21), and the applicable law, the Court finds that the Motion should be **GRANTED**.

Defendant has been duly served with the Summons and Complaint (Doc. No. 4). He has failed to plead or otherwise defend this lawsuit. His default has been duly entered and Defendant has taken no action since such default was entered.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

1. That Judgment by default is entered in favor of Plaintiff and against Defendant;
2. That Plaintiff may recover principal employer contributions, for the period October 2010 through June 2011, in the sum of \$6,614.66;
3. That Plaintiff is entitled to recover liquidated damages, which have accumulated under the terms and conditions of the Trust Agreements and the delinquency

procedures adopted by the respective Boards of Trustees of Plaintiffs' Trusts, in the sum of \$1,065.12;

4. That, under 29 U.S.C. § 1132(g)(2)(C)(i), Plaintiff is entitled to interest on the unpaid contributions at the rate of 1.5 percent per month, in the sum of \$1,718.57 as of February 1, 2012;

5. That Plaintiff is entitled to post-judgment interest on the amounts awarded herein at an annual rate of 0.20% from the date of this Judgment until paid;

6. That Plaintiff may recover attorneys' fees in the amount of \$3,500.00 and fees in the amount of \$405.00; and

7. That this award should be reduced by \$4,000.00 for offsets and credits.

The Court will consider an award of attorneys' fees for post-judgment collection efforts or appeal upon further motion if necessary.

Through this Order, the Court intends to render a final judgment in this cause. Therefore, this judgment is now a final, appealable judgment.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 20<sup>th</sup> day of March, 2011.



KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE